

REMARKS

In an office action mailed July 8, 2003 (paper no. 14), claims 1-13, 15-17, and 19-25 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. patent application 2002/0099576 A1 to MacDonald (“*MacDonald*”). Claims 14 and 18 were rejected under 35 U.S.C. 103(a) as being anticipated by *MacDonald* in view of “Hotel Reservations Network Taps Pegasus Systems to Expand Online Hotel Reservations Capabilities Agreement; Adds 22,000 Hotels to HRN’s Consumer Website,” PR Newswire, New York, Sept. 30, 1998 (“*HRN*”). These rejections are respectfully traversed.

Rejections Under 35 U.S.C. 102

Claims 1-13, 15-17, and 19-25 were rejected under 35 U.S.C. 102(b) as being anticipated by *MacDonald*. In particular, it is alleged that *MacDonald* discloses at paragraph 40 that “inventory data is generated in real time as each reservation system is updated to reflect current inventory.” These rejections are respectfully traversed.

MacDonald fails to provide a basis for the rejection of claims 1-13, 15-17, and 19-25 under 35 U.S.C. 102, because it fails to disclose each element of the claimed inventions. In regards to paragraph 40 of *MacDonald*, it refers to “per cabin reservation availability status from *cruise line vendor systems* (provided in real-time over the Internet as discussed above).” (Emphasis added). There are no other references to vendor systems in the application, nor references to real-time processes. Thus, a closer look is required to determine what functionality is being referred to.

Paragraph 25 of *MacDonald* discusses how the website is set up. No reservation system is disclosed – instead, “Reservation takers, for example, owners or agents of hotels 18 or cruise ship lines 20,” provide manual input to “provide plans showing the arrangement of units *for which reservations can be accepted* to the website server 22.” (Emphasis added). Thus, the only reservation system disclosed in *MacDonald* is at the centralized website, and is manually set up by the “reservation takers” as well as developers who “use an application running on the website server 22 to interactively associate coordinates with each unit on an electronically represented version of the plan.” Furthermore, only units for which reservations can be accepted are provided, not all units as would be available through the local reservation system. “The

reservation takers also provide the website server with continuously updated information concerning the availability state of the units.” Since no local reservation systems are disclosed, this can only be done via user input. For a cruise ship, where cruise line vendors are used to manually interface with passengers, this configuration might be workable, but *MacDonald* fails to disclose anything resembling modern hotel reservation systems that are updated in real-time by website users or live hotel reservations operators.

In contrast, claim 1 includes a “system for providing reservation data comprising: a reservation data system interface receiving reservation inventory data and inventory update data from two or more reservation systems; and a master reservation system coupled to the reservation data system, the master reservation system receiving the reservation inventory data and storing the reservation inventory data in a database, the master reservation system receiving the inventory update data and updating the database with the inventory update data; a user interface system coupled to the master reservation system, the user interface system receiving reservation request data and providing updated reservation inventory data in response to the reservation request data; and wherein the inventory update data is generated in real time as ***each reservation system is updated to reflect current inventory.***” (Emphasis added). Thus, as disclosed in the specification and claimed in claim 1, a local reservation system that is updated in real-time for the primary purpose of managing reservations by the hotel is used to update the master reservation system. *MacDonald* only discloses the prior art method of having a centralized database that is updated by user-input, where the accuracy of such updates is limited by the frequency of user updates as well as the selection of rooms that are made available to the centralized database.

Likewise, claim 15 includes a “method for providing reservation data comprising: storing reservation data reflecting the current status of available inventory from two or more properties from a room availability database from each of two or more reservation data systems in a database; receiving a request for reservation data for one or more of the properties at a central interface; providing reservation data reflecting the current status of the property; and wherein the available inventory at each of the two or more properties can be independently modified from an interface other than the central interface, and wherein the current status of the available inventory at each property reflects such independent modifications.” As discussed, only a single

reservation data system is described in *MacDonald*, and that is the one that is created by reservation takers and developers and that includes a map of the cruise ship for which reservations are being taken. The available inventory at each of the two or more properties can only be independently modified from the central interface of *MacDonald*, and as such,
65 *MacDonald* fails to provide a basis for rejection of claim 15 under 35 U.S.C. 102.

Claim 2 includes the “system of claim 1 further comprising a monitoring system coupled to the master reservation system, the monitoring system storing each set of inventory update data and sequence number data associated with the set of inventory update data.” It is alleged that this is disclosed somewhere in paragraph 35 to paragraph 45 of *MacDonald*. A detailed, word-by-
70 word review of each and every paragraph of *MacDonald* clearly establishes that there is absolutely no reference to storing updates with a sequence number, such as to allow the data to be reconstructed in the event an update was delayed, applied in the wrong order, if the database becomes corrupted so as to reconstruct the database from the stored update records, or for other purposes. *MacDonald* likewise fails to provide a basis for the rejection of claim 8

75 Claim 3 includes the “system of claim 1 further comprising a master reservation interface system coupled to the reservation data system interface and one of the reservation data systems, the master reservation interface system receiving the inventory update data from the reservation data system and transmitting the inventory update data to reservation data system interface.” This is allegedly disclosed in paragraph 5 of *MacDonald*, which reads “The present invention
80 provides systems and methods for managing reservations, e.g., reservations for units in lodging facilities such as cabins on cruise ships and rooms or suites in hotels, using the Internet. The invention allows a person wishing to make a reservation to easily access information regarding the availability of units (e.g., cabins or rooms) during a particular time period by visiting a website that includes plans showing various areas of a place of accommodation (e.g., a deck of a
85 ship or floor of a hotel). Because the user can view a plan of the place of accommodation, the user can easily compare the relative desirability of various units, for example by observing how close the unit is to an elevator or shared bathroom. In some implementations, the website includes plans for many different places of accommodation having different configurations of units. The invention also allows a person in charge of managing reservations to provide travelers
90 (or others wishing to make reservations) with easy access to continuously updated information

concerning availability of units. In some implementations, the website provides the user with information regarding the cost and features of particular units.” Absolutely nothing in paragraph 5 of *MacDonald* discloses a master reservation interface system, a reservation data system interface, and a reservation data systems – instead, as previously discussed, only a single,
95 centralized database and reservation system is disclosed.

Claim 4 includes the “system of claim 1 wherein the master reservation system further comprises a chain system receiving chain modification data and updating the database with the chain modification data.” This is allegedly disclosed by Figure 1 of *MacDonald*, which shows “HOTEL 1” and “HOTEL 2.” These are merely two separate hotels – there is absolutely nothing
100 in *MacDonald* that discloses chain modification data as term is defined in the specification of the present application. It is axiomatic that a patentee can be his own lexicographer – any construction of the term “chain modification data” that reads on the disclosure of *MacDonald* is improper as it is contrary to the definition assigned by the applicants and thus fails to allow Applicants to be their own lexicographer.

Claim 6 includes the “system of claim 1 wherein the master reservation system further comprises a rate plan system receiving rate plan modification data and updating the database with the rate plan modification data.” This is allegedly disclosed by the statement in paragraph 5 of *MacDonald* that “In some implementations, the website provides the user with information regarding the cost and features of particular units.” As disclosed at paragraph 36 to paragraph 39 of *MacDonald*, the cost and features of particular units are input individually, and not as a rate plan. As a result, there can be no rate plan modification data, because there is no rate plan data.

Claim 7 includes the “system of claim 1 wherein the master reservation system further comprises a distribution channel system receiving distribution channel modification data and updating the database with the distribution channel modification data.” This is allegedly disclosed by paragraphs 33 and 34 of *MacDonald*. There is absolutely nothing in *MacDonald* that discloses distribution channels, much less distribution channel modification data as term is defined in the specification of the present application. It is axiomatic that a patentee can be his own lexicographer – any construction of the term “distribution channel modification data” that reads on the disclosure of *MacDonald* is improper as it is contrary to the definition assigned by the applicants and thus fails to allow Applicants to be their own lexicographer.

Claims 2-7, 21 and 22 depend from claim 1, claims 9-13 depend from claim 8, and claims 16-17, 19-20, and 23-25 depend from claim 15, and are each allowable at least for the reasons that they depend from an allowable base claim and add limitations not present in the prior art. Withdrawal of the rejection of claims 1-13, 15-17, and 19-25 is requested.

Rejections Under 35 U.S.C. 103

Claims 14 and 18 were rejected under 35 U.S.C. 103(a) as being anticipated by *MacDonald* in view of *HRN*. These rejections are respectfully traversed.

Applicants have demonstrated that *MacDonald* fails to disclose each element of the claimed invention of claims 8 and 15, either alone or in combination. Claim 14 depends from claim 8 and claim 18 depends from claim 15, and are each allowable at least for the reasons that they depend from an allowable base claim and add limitations not present in the prior art.

CONCLUSION

In view of the foregoing remarks and for various other reasons readily apparent, Applicants submit that all of the claims now present are allowable. Entry of these amendments, withdrawal of the rejection and a Notice of Allowance are courteously solicited.

If these arguments and amendments are deemed not to place the claims in condition for allowance, an interview with the undersigned is hereby requested prior to the issuance of a subsequent office action.

No additional fee is believed to be due. If any applicable fee or refund has been overlooked, the Commissioner is hereby authorized to charge any fee or credit any refund to the deposit account of Akin, Gump, Strauss, Hauer & Feld, L.L.P., No. 01-0657.

Respectfully submitted,



Christopher J. Rourk
Reg. No. 39,348
Attorney for Applicants

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.
P.O. Box 688
Dallas, TX 75313-0688
(214) 969-4669